

THE

ANTI-SLAVERY REPORTER,

UNDER THE SANCTION OF

THE BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY.

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Monthly Summary.

DOMESTIC.—A deputation from the Jamaica Commercial Agency Company (Limited), recently formed in London on the co-operative system, had an interview on Friday, the 16th ultimo, with the Earl of Carnarvon, Her Majesty's Secretary of State for the Colonies. The deputation, consisting of Lord Alfred Spencer Churchill, Thomas Hughes, Esq., M.P.; Peter A. Taylor, Esq., M.P.; J. M. Ludlow, Esq.; E. B. Underhill, Esq., LL.D.; Joseph Woodin, Esq., and John H. Estcourt, Esq., was introduced by Mr. Hughes, who presented a memorial, protesting against the late Governor Eyre's attack upon the Association as spurious, and praying for the good offices of Her Majesty's Government in enabling it to carry out its operations. Lord A. Churchill, Mr. Ludlow, Mr. Estcourt, and Dr. Underhill supported the memorial; and the Earl of Carnarvon, in reply, expressed his sympathy with the objects of the deputation, and his interest in the success of the enterprise.

The Jamaica Committee having been advised that the facts disclosed in the Report of the Royal Commissioners, afford a proper ground for an indictment for murder to be preferred against Mr. Eyre and the other persons concerned in the trial and execution of Mr. Gordon, and that no other mode of vindicating the law in reference to those facts is open to them, have instructed their solicitors to proceed forthwith with an indictment against Mr. Eyre. The Committee had handed a retainer to Mr. Coleridge, which that gentleman had accepted; but Mr. Rose, the solicitor for the Eyre Defence Committee, although aware that Mr. Coleridge stood thus committed, retained him also, on the ground

that the Jamaica Committee, being an impersonality, could not prosecute, therefore not retain. This nice question was referred to the Attorney-General, who decided in favour of Mr. Rose, who has, by a scurvy professional trick, deprived the Jamaica Committee of Mr. Coleridge's services. Mr. Edward James will be leader in the case for the Jamaica Committee.

A correspondence has been published between Mr. C. Buxton, M.P., and Lieutenant Brand, R.N., most disgraceful to the latter. The Admiralty have directed a copy to be sent to Commodore M'Clinton, at Jamaica, with instructions that if Lieutenant Brand is unable to deny the authenticity of the letters imputed to him, he is to be immediately superseded and sent to England, as having been guilty of conduct inconsistent with the character of an officer and a gentleman. Any rumour to the effect that Lieutenant Brand has received promotion from the present Board of Admiralty is entirely without foundation. Lieutenant Brand was promoted in March last, before the present Government came into power. This Lieutenant Brand, who, as judge of the court-martial in Jamaica during the riots there last year, condemned nearly 200 persons to death, is twenty-eight years of age. He entered the naval service in 1852, and was made a lieutenant in 1859. At the time he was judge he was twenty-seven years of age, and was lieutenant of H.M.S. *Aboukir*, on the Jamaica station, and was employed in the command of a tender to the *Aboukir*, which ran between Morant Bay and Kingston. He is now a lieutenant commanding Her Majesty's gunboat *Daylight*.

FRANCE.—The Brazilian Minister for Foreign Affairs at Rio de Janeiro has forwarded, on behalf of the Emperor, a reply to the address which was sent to him in

the early part of the year, from the *French Emancipation Committee*. The minister assures the memorialists of the Emperor's sincere wish to see Slavery terminated in his empire, and that as soon as the present war with Paraguay is at an end, initiatory measures will be taken for that purpose.

SPAIN.—The Mixed Commission on colonial reform has had four sittings at Madrid, at the Ministry of Marine and the Colonies. There are twenty-eight delegates from Cuba and Porto Rico, and an equal number represents the Government. The Porto-Rican deputies have protested against the course of the latter, and demanded the immediate abolition of Slavery in their island.

UNITED STATES.—The elections have resulted in favour of the Republican party, who will have a Congressional majority. They passed off quietly. In New York State, Governor Fenton obtained a majority of 10,000 votes. The Republicans were also successful in New Jersey, Vermont, Michigan, and Massachusetts. The Democrats gained Maryland and Delaware.

General Butler and John Morrissey (ex prize-fighter) have been elected members of Congress.

In North Carolina, as far as can be ascertained, every candidate for the Legislature known to be in favour of the constitutional amendment was defeated at the late election.

Charles J. Mitchell, a full-blooded negro, has been nominated for the Legislature in the most wealthy and aristocratic ward of Boston, and E. G. Walker, another negro, has been nominated for the Legislature in Charlestown, Massachusetts.

The Governor of Georgia, in his message to the Legislature, strongly opposes the adoption of the pending amendment of the United-States Constitution, declaring it equally novel and unjust. The Speaker of the House opened the session with a speech opposing the amendment, which was received with applause. A. H. Stevens also opposed it strongly. The amendment was referred in each House to a select Committee, with instructions to report as soon as practicable.

The Supreme Court of Indiana, by a unanimous vote, has decided that the Article of the State Convention which forbids negroes coming into the State, is in conflict with the Constitution of the United States, and as such is null and void.

A correspondence between the President and the Attorney-General, relative to the trial of Jefferson Davis, has been published. The President speaks of the delay in the assembling of the United-States Circuit Court at Richmond, Va., in which the prosecution of Davis for treason is

pending, and inquires what steps, if any, should be taken by the Executive, with a view to a speedy public and impartial trial. The Attorney-General, in reply, says that in his opinion there is nothing in the present condition of Virginia to prevent the full exercise of the jurisdiction of the civil courts, since the several proclamations of peace and of the restoration of civil order guarantee to them immunity against military interference; and that in this particular there is no necessity for any further action of the President. Congress, at its late session, required the Circuit Court to be held at Richmond next month. But an Act was also passed fixing the number of judges of the United-States Supreme Court, and changing certain judicial circuits; and doubts exist whether these changes will not require a new allotment of the judges to the several circuits, an allotment which can be made only by the judges themselves, or by Congress, and perhaps only by the latter. Davis is held in military custody at Fortress Monroe, to await trial in the civil courts. No demand has been made for his transfer to civil custody. The United-States District Attorney for Virginia has been notified that the prisoner would be surrendered upon requisition; but he declines to make one, because there is no other place in the district where the prisoner can be so safely confined, and where his health and personal comfort could be so well provided for. The Attorney-General suggests that, to avoid any misunderstanding, an order be issued to the commandant at Fortress Monroe to surrender the prisoner, whenever demanded, upon process from the Federal Courts.

WEST INDIES.—*Jamaica.*—The new Government was formally inaugurated on the 16th of October ult., by the opening of the Legislature by the Governor. His address will be found in another column. The appointment of the Hon. Louis Mackinnon as one of his council has excited considerable uneasiness, this gentleman having been prominently identified with the severe policy of the ex-Governor during the terrible events of last year.

The *Morning Journal* has the following upon this nomination:

"The *Gazette* announces that His Excellency the Governor has been pleased to appoint the Hon. L. F. Mackinnon, the Hon. Peter Moncrieffe, and the Hon. James H. McDowell, 'to act provisionally, until Her Majesty's pleasure is known, as Unofficial Members of the Legislative Council of this island.' Those persons who are acquainted with the part taken by Mr. Mackinnon during the disturbed period of last year, on the south side, cannot but regret the choice made of him by

His Excellency the Governor to represent the interests of the community, who have no faith in Mr. Mackinnon."

The planter party had been endeavouring to create another "insurrection" panic, by the circulation of false rumours, but had not succeeded.

The trial of Ensign Cullen and Staff-Surgeon Morris was still going on.

The grand jury had thrown out the bill for murder against Provost-Marshal Ramsay, notwithstanding a powerful and conclusive charge from Judge Ker. The jury—whose names we publish elsewhere—were all planters, or of that party.

The Governor had prohibited a meeting, proposed to be got up in Kingston, to demand the removal of Dr. Bowerbank from the office of Custos, on account of his arbitrary proceedings during martial-law last year.

PRACTICAL AID FOR JAMAICA.

WE subjoin a letter which has been sent to us for publication, and which contains the germ of a plan for promoting the permanent advantage of certain—and perhaps large—classes of the Jamaica peasantry. The plan is, to buy such estates as are suitable for the purposes contemplated, and let them to the peasantry, on lease, with a purchasing clause.

TO THE SECRETARY OF THE "ANTI-SLAVERY SOCIETY."

"In the *Anti-Slavery Reporter* of March appeared a letter of Mr. Henry Clark, Island Curate, Westmoreland, Jamaica. He states: 'I attribute the existing poverty and demoralization among the people of my district, in a great measure, to the practice which the estates adopt, of moving the negro villages periodically, in order to prevent, &c.' . . . 'Every labourer living on a sugar estate is liable to have his house pulled over his head without a moment's warning, at the will of the overseer.' . . . 'Great numbers have therefore left the estates altogether, to occupy land in the mountains, where, out of the reach of civilizing influences, they advance neither in wealth or in morals.'

"Will you invite this clergyman to inform you, from time to time, whenever any small estates in his district shall be brought to the London Mart under the operation of the Encumbered Estates Act, which would be eligible in respect to a supply of good water and other sanitary considerations to be made the sites of permanent villages, and sufficiently near to available roads, and to the cultivated estates, affording employment and requiring labour.

"A CONSTANT READER."

The Anti-Slavery Reporter.

SATURDAY, DECEMBER 1, 1866.

THE ANTI-SLAVERY SOCIETY ON THE PROSECUTION OF MR. EYRE.

THE following statement was unanimously adopted by the Committee of the *British and Foreign Anti-Slavery Society* at a meeting held on the 9th November last:

The Committee of the *British and Foreign Anti-Slavery Society* deem it their incumbent duty to set forth their views in relation to the proposed prosecution of Edward John Eyre, late Governor of Jamaica.

Among the objects for which the Society is maintained, "the protection of the rights and interests of the enfranchised population in the British possessions" is not the least important; and the Committee would have been guilty of neglecting their avowed obligations, had they suffered the proceedings of the late Governor of Jamaica, connected with the recent deplorable disturbances in that island, to pass over without scrutiny.

The Report of the Royal Commission has fully justified the course of the Committee in demanding an "inquiry into the nature and origin of those disturbances, and into the means adopted for their suppression." The Commissioners came to the following conclusions amongst others:

"That by the continuance of martial law in its full force to the extreme limit of its statutory operation, the people were deprived for a longer than the necessary period of the great constitutional privileges by which the security of life and property is provided for.

"That the punishments inflicted were excessive.

"That the punishment of death was unnecessarily frequent.

"That the floggings were reckless, and, at Bath, positively barbarous.

"That the burning of 1000 houses was wanton and cruel."

The record itself sets forth, that besides the 1000 houses burned, 439 persons were put to death, and 600 or more—a considerable number of them women—were flogged.

The conclusion is irresistibly forced upon the Committee, that had the community been white and the Government black, instead of the reverse, so awful a sacrifice of human life, and such wanton atrocity, would not have been permitted to pass over with only a comparatively mild censure of the authorities, and without any retributive penalties.

In the case of the late G. W. Gordon—

a coloured man, an emancipated slave, and a member of the then existing Legislature—for whose arrest and execution Mr. Eyre admits himself to be directly and solely responsible, the Commissioners report :

"We cannot see, in the evidence which has been adduced, any sufficient proof either of his complicity in the outbreak at Morant Bay, or of his having been a party to a general conspiracy against the Government.

"On the assumption, that if there was, in fact, a wide-spread conspiracy, Mr. G. W. Gordon must have been a party to it, the conclusion at which we have arrived in his case is decisive as to the non-existence of such a conspiracy."

The Right Honourable E. Cardwell also says, with reference to this case, and commenting upon the reasons which the late Governor gave for his course :

"In the present case, not only has the necessity of the course actually adopted not been proved, but it appears, from the evidence of Mr. Westmorland, one of the Executive Committee, that he suggested at the time that Mr. Gordon, who had been placed on board the *Wolverine*, should be reserved for trial by a regular tribunal, with all the means of defence which are secured by the ordinary process of law to every subject of the Queen. This, in the judgment of her Majesty's Government, would have been the proper course." Mr. Cardwell further adds—"His trial by court-martial, and his execution by virtue of the sentence of that court, are events which her Majesty's Government cannot but deplore and condemn."

The Right Honourable the Earl of Carnarvon has also recorded his opinion upon the execution of Mr. Gordon in the following terms :

"Much has been said respecting the case of Mr. Gordon, and I do not want to say any thing about it, and for this reason, that I believe it was a most terrible case, and one that was indefensible. The evidence upon which he was hung was insufficient to have convicted him."

The Commissioners state that the evidence in the cases of Samuel Clarke, George Mackintosh, and William Grant, who were tried and hanged in the most summary manner, appears to them "to be wholly insufficient to justify the findings."

Although no undue prominence has been given to the unjustifiable infliction of death in these instances, others might be cited, in which law and right were violated with equal impunity ; and it is certain that very many of those who were put to death by the soldiery had not been in any way mixed up with the disturbances. The same remark will apply to the floggings—of

women as well as men—which the Commissioners say "were not unfrequently ordered after a very slight investigation, at the instance of book-keepers and others smarting under a sense of recent injury."

The Committee having these facts before them, and giving to the judgment of the Commissioners that weight to which it is justly entitled, hold it to be indisputably established, that the first principles of constitutional law, which are the sole security for the rights, the liberties, the property, and the lives of all the Queen's subjects alike, irrespective of colour or race, have been grossly violated. Under these circumstances the Committee feel it laid upon them, as a grave and most urgent question, to consider how these great principles can best be formally re-asserted and vindicated so that the rights and lives of the Queen's coloured subjects may in future be protected against the exercise of arbitrary power.

The magnitude of the issues involved forces upon the Committee the conclusion, that this important constitutional question, embracing, as it does, the definition of the power of Colonial Governors in similar emergencies, will not be satisfactorily settled save by an appeal to the highest judicial authorities of the realm.

It does not rest with the Committee to determine in what form it shall be submitted to the tribunals ; but the conflict of opinion on the present state of the law leaves no alternative except the institution of proceedings in a court of justice against the individuals chiefly responsible for what is admitted to have been a criminal abuse of authority.

In advocating such a course—by whomsoever the office of public prosecutor may be undertaken—the Committee disclaim being actuated by vindictive feelings, or any sympathy with the misguided men who were the prime movers in the late riots. The Committee hold that all similar violations of law and public order should be summarily suppressed, and the guilty parties punished ; but they also hold that such violations ought not to be made the occasion for the indulgence of private revenge, and of the rancour of race ; and that where, as in the present instance, innocent lives have been sacrificed, and punishment unjustifiably inflicted, the fellow-citizens of the injured have an indefeasible right to demand, personally or through their representatives, that protection which the law extends to all loyal subjects.

Deeply impressed by these considerations, the Committee, after long and anxious deliberation, have come to the conclusion that it is the duty of the friends of the emancipated population of the British

colonies to sustain the proposed effort to obtain a judicial decision upon a question so deeply affecting the rights and lives of those whom the justice of the nation relieved from Slavery and admitted to the full privileges of British citizenship.

(Signed) on behalf of the Committee,

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|--------------------|------------------|
| W. ALLEN, | } Sub-Committee. |
| R. ALSOP, | |
| J. COOPER, | |
| WILLIAM S. LEAN, | |
| J. W. MASSIE, D.D. | |
| F. WHEELER, | |

L. A. CHAMEROVZOW, *Secretary.*

27, New Bond Street, E.C.
London, 9th Nov. 1866.

THE SLAVE-TRADE.

THE subjoined is the text of a memorial to Lord Stanley, on the subject of the slave-trade, from the Committee of the *British and Foreign Anti-Slavery Society*:

To the Right Honourable LORD STANLEY,
Her Majesty's Secretary of State for Foreign Affairs.

MY LORD,—The present position of the African Slave-trade urges upon the Committee of the *British and Foreign Anti-Slavery Society* the duty of addressing you on the subject.

The latest published Parliamentary Papers shew, that although this traffic has greatly diminished, it is far from being extinct; and although it is gratifying to learn, that for the year ending on the 30th September 1865 only one cargo of Bozals had been landed in Cuba, nearly the whole of whom were subsequently captured upon information furnished by the Cuban authorities themselves, intelligence has been since published of the disembarkation of several cargoes, numbering above 6000 slaves. This sudden revival of the traffic is mainly attributable, the Committee believe, to the substitution of a Captain-General favourable to slave-trading, for one who, during his term of office, exerted himself to the utmost to suppress the trade, and succeeded so far as to have almost extirpated it. While the Committee believe that the continued existence of Slavery in the island of Cuba is a permanent provocative to the importation of negroes from Africa, the success which attended the efforts of General Dulce, the late Captain-General, and the sudden resumption of the traffic concurrently with the arrival of General Lersundi, place beyond doubt the fact that the Captain-General for the time being really possesses sufficient powers to suppress the trade in slaves, if he choose to exercise it.

It is reported that General Lersundi has realized by his connivance with the slave-traders, the sum of 45,000*l.*, and has resigned his post, although he has not occupied it more than a year; and it is to be apprehended that importations of slaves into the island will go on increasing should his successor be equally corrupt.

The Cuban slave-market is the only mart in the Western hemisphere to which slaves from Africa are now conveyed; and as Spain has been long bound by treaty with Great Britain to put down the slave-trade, Her Majesty's Government has an unquestionable right to demand its immediate suppression.

The Committee respectfully submit that this matter can only be effectually dealt with by the abolition of Slavery in the island.

By the treaty of 1835 it was agreed that all slaves landed in Cuba and recaptured should be liberated by the Mixed Commission Court. These constituted the class called *Emancipados*. It is notorious, however, that this engagement, which was a virtual declaration of the right to liberty of all slaves clandestinely introduced, has been systematically violated, and the local Government has never given any reliable account of the number of these unfortunate beings, the whole of whom have probably been long since absorbed into the slave-population. The point upon which the Committee would insist is, that all negroes introduced into the island since the year 1835 have an unquestionable right to unconditional freedom; and as the number would probably embrace the bulk of the slaves, their release would amount practically to a measure of immediate and complete emancipation. Under these circumstances it is clear, that were such a demand made upon the Spanish Government, it could not present any sufficient reasons for rejecting it.

The Committee are the more earnest in submitting this proposition as worthy of immediate attention on the part of Her Majesty's Government, because recent events in the United States have led to a movement in Cuba in favour of emancipation there; and because within the last two years public opinion in Spain has been developed in the same direction to so remarkable an extent, that abolitionist meetings have been held in the capital, upwards of eighty newspapers advocate the movement, and a plan of emancipation has been prepared by some of the parliamentary friends of the cause, which it is expected will be submitted to the Cortes during the Session about to open. At such a moment, the Committee believe that an energetic representation to the Spanish Government would probably induce it seri-

ously to consider whether the time has not arrived when it can no longer delay taking a decisive step in this matter.

The reports of the naval officers attached to the cruiser squadron record the almost entire cessation of the export slave-trade from the West Coast of Africa, and of its greatly diminished activity from the Congo country and its vicinity; but the Committee would remark upon this specious fact, that this diminution of the traffic has been singularly coincident with the comparative cessation of the demand for slaves for Cuba, resulting from the repressive measures of General Dulce, which had so far discouraged the slave-traders as to cause them almost to discontinue their enterprises. The Committee, however, hold the firm conviction, that as the demand for slaves in Cuba revives, the exportations from the African coast will be resumed with increased activity.

The Committee deeply deplore the increase of the slave traffic from the Portuguese possessions on the East Coast. It does not appear, that of the several thousands of slaves annually conveyed away from Mozambique and the various other places mentioned in the official despatches, any large proportion is taken to Cuba, probably owing to the extreme length of the voyage, and to the difficulty of shipping large cargoes in vessels suitable for their transport. The greater number of the captives would appear to be carried off to the Comoro islands, and some parts of Madagascar, to Zanzibar, and other convenient resorts, to be thence transferred, after sale, to ports in the Red Sea, whence many find their way into Nubia and Upper Egypt, and also into Arabia. It is alleged that a considerable proportion of these people are hired as labourers for the French colony of Réunion. The evidence of Dr. Livingstone is lamentably conclusive as to the desolation which this particular branch of the slave-trade produces in the interior, and the mortality resulting therefrom—a mortality which by far exceeds any incidental to the Trans-Atlantic trade. These Arab slave-traders traverse extensive districts of country, and penetrate far into the interior, where they barter away their victims to other speculators in human flesh and in this manner the slaves are passed from hand to hand to their ultimate destination.

The Committee are fully alive to the peculiar difficulties attending the suppression of the East-African slave-trade; but they would respectfully suggest, that Dr. Livingstone, while so forcibly exposing the evil, has also pointed out its remedy. He states that the traders are thrown back upon slave-dealing in consequence of their

inability to undertake ordinary commerce, because the Portuguese authorities, under the influence of the slave-traders, refuse to open the ports to which legitimate trade would be attracted. As a result, the whole of the fertile district which he traversed, abounding in mineral and vegetable wealth, and in the most valuable tropical productions, is sealed to foreign enterprise. Entire districts are laid waste, and their populations swept away. He asserts, that were the Portuguese ports open to commerce, the Arab traders would have greater inducements to relinquish the slave-trade than to continue it. It does, therefore, appear to the Committee to be most desirable that a representation from Her Majesty's Government to that of Portugal should be promptly made, with a view to put an end to so deplorable a state of things.

The Committee would venture to remind your lordship that the Anti-Slavery Society is based upon the principle, that so long as Slavery exists there is no probability that the slave-trade will be extinguished. However much the cruisers—acting as a marine police—may interfere with and harass the traders, it will always be found that demand produces supply. It is a happy circumstance that the Trans-Atlantic slave-trade to Brazil has entirely ceased for many years; but it is a fact worthy of note, that the cruiser squadron was never more active than during those years when the Brazilian slave-trade was at its height, and that the diminished exportations from the coast coincided exactly with the sudden suppression of the trade by the Brazilian authorities themselves. The Committee, whilst fully appreciating the intentions of the British Government, has, from the outset, objected to the cruiser system as not likely to succeed in the effectual suppression of the slave-trade, and as tending to aggravate the sufferings of its victims during the middle passage; and they therefore venture to submit whether the time has not come when a strenuous effort should be made to extirpate this great, but happily diminished evil, by means less expensive and less disastrous to human life.

On behalf of the Committee,

WILLIAM ALLEN.

JOSEPH COOPER.

WILLIAM S. LEAN.

J. W. MASSIE, D.D., LL.D.

L. A. CHAMEROVZOW, *Secretary*.

27, New Broad Street, E.C.,
London, 16th Nov. 1866.

THE ANTI-SLAVERY MOVEMENT IN SPAIN.

WE have from time to time given our readers information concerning the progress of the abolitionist movement in Spain. It has assumed a new phase, and one, too, of considerable importance. For many years the Governments of the day set their face steadfastly against the administrative and other reforms so long demanded by the citizens of the Spanish Antilles; but the friends of colonial reform were as persevering in their demands as the Government was obdurate in resisting them, and have succeeded at last in bringing the question to such a crisis that it must soon be settled, either in favour of liberty or of a continuance of the present system, in which event a catastrophe would seem to be inevitable.

When the colonial reformers commenced their agitation, they sought merely the emancipation of the colonists from the iron rule of the mother country, and their aspirations after political liberty were only stimulated into greater activity by the Act which deprived them of their right of representation in the Cortes, after they had enjoyed that privilege for a term. Now they demand the emancipation of the slaves, as an indispensable preliminary to reforms of any kind, for it is felt that, sooner or later, emancipation must come, and that it is better the matter should be taken in hand at once, than that it should be forced upon the country by a catastrophe. The Government has all along affected to despise the colonial reform movement, but since the solution of the great social question of Slavery has become the prominent feature in it, the colonial department has been compelled to take the subject into consideration, and there appears to be a certain prospect of its solution at no distant day.

Last November the Minister of the Colonies issued a decree announcing the intention of the Government to deal immediately with the question of colonial reform. The Cubans and Porto Ricans sent twenty-eight delegates to Madrid from their various districts, and the Government selected an equal number from the ex-officers of these islands, constituting the two sections a Commission of Inquiry, the inaugural sitting having taken place a fortnight ago. Such of the papers as are permitted to appear made a great flourish about the intentions of the Government, and blew its trumpet with extraordinary vehemence, but the issue has been delusive in the extreme, and there can be now but little doubt that deliberate deception has been practised, and that the Government, in professing a disposition to make the most liberal concessions, had determined

to grant only that which it could not withhold.

A series of twenty-six questions was placed in the hands of the delegates, to which they were requested to furnish answers; but so far from these queries being in any way favourable to emancipation, they are of a directly adverse character. The leading ones are submitted to elicit the opinion of the delegates: "How the breeding of slaves may best be promoted—how the free negroes may be compelled to labour (that is, may be enslaved)—how the immigration of Chinese and Asiatics may best be encouraged—and whether any inconvenience would result from the abolition of corporal punishment." Three of the Porto-Rican delegates out of the four have protested against the Government interrogations. The following is a copy of the protest:

"The undersigned hereby declare that they accepted the office of Commissioners upon the conditions specified in the Royal decree of the 25th of November 1865, which explicitly sets forth that the object of the Commission is to take into consideration the political, financial, and social condition of the Spanish colonies in America; that they consider the social question involved in the Government 'Interrogatorio' as of paramount importance; and that, while reserving to themselves the right of demanding at the proper moment those administrative reforms which the colony requires, they feel themselves constrained to abstain from answering the Government queries, believing they are submitted with a view to the indefinite perpetuation of Slavery, an institution utterly antagonistic to the prosperity of the island, contrary to the sentiments of their constituents, and dishonourable to the Spanish nation.

"The undersigned demand the immediate abolition of Slavery in their island, with or without compensation to the owners of slaves, and with or without any regulations being instituted for the introduction of foreign free labour; and they further declare that they will continue to pursue their demand, and will in due course present a plan of abolition.

(Signed) S. RUIZ BELVIS.
JOSE J. ACOSTA.
FRANCISCO M. QUINONES.

"Madrid, Nov. 8, 1866."

The Cuban delegates, whilst endorsing this protest, and adhering in principle to the demand for abolition, declare that they reserve to themselves the right of submitting a plan of emancipation of their own, in accordance with what they believe to be the difference between the circumstances

and the condition of the two islands. The moral effect, however, of this double protest has been very salutary, and we are now anxious to see what the Government will do in its present dilemma.

GOVERNOR GRANT ON THE STATE OF JAMAICA.

ON the 16th of October ultimo, Sir John P. Grant opened the Jamaica Legislature, in the hall of the former Legislative Council, on which occasion he delivered an address, of which we subjoin the text. We commend it to the attentive perusal of our readers.

His Excellency the President said, that before the Board proceeded to business he would make a few observations. On former occasions, as hon. members are well aware, there was much formality in opening the Sessions of the Legislature. Amongst other things, there was a set speech written and delivered by the Governor, and to which there was a formal reply made. He was sure that the Board would think with him that such was out of place now under present circumstances. He was sure it would be more pleasant to him to sit amongst them, and spend some time with them in deliberation; and he was also sure that he would feel much instructed in their deliberations. There was a good deal of work before them, but it would be their duty to endeavour to get through it with as much ability as they could. There were some measures which it was necessary to introduce and have passed at once, because they related to matters which, in consequence of the abolition of the former Constitution, could not be dealt with without the process of legislation. He must confess that almost every department in the colony required great reform, and, he must add, immediate reform. There was no department which required more reform, and none, perhaps, which presented so many difficulties in the way of reform, as the legal department. The present legal administration of the island, to speak in plain terms, was extremely bad. He hoped he might be pardoned for saying so, but in his opinion such was the fact. He would give a case: A poor negro has a debt owing to him for ten guineas. He cannot proceed to recover it without coming all the way down to the Supreme Court. When it was considered how difficult travelling was here, he was sure they would confess that travelling down here from perhaps a distant part of the island for a simple debt was a great hardship. But the matter did not end here. The poor man would have to employ a gentleman learned in the law, and it could not be supposed that the gentleman learned in the law would undertake his case for nothing. But supposing even he did employ such a gentleman, although he might file his suit he could not get an appearance for four months afterwards. He was therefore persuaded, that in a case where the poor negro had to sue for a debt of ten guineas or about that sum, there was no justice for a poor man. In common matters it was not so bad, but it was bad enough. He was deluged

with petitions day by day from this class of people. Another ground of complaint is, that they frequently have to proceed to great distances from where they reside to the place where the Court sits, and after arriving there, no magistrates were there to form a Court. These subjects of complaint, as the Colonial Secretary might recollect, were brought continually to him. They may be true or not, but nevertheless the complaints were made. Another subject to which he would refer was that of having people kept in a lock-up, or some such place, for months, where they should have been kept only for days, on account of the want of magistrates to adjudicate the case. He did not blame the magistrates, but he blamed the system. Things being so, he would repeat what he had said before, that in the generality of cases—he would not say in great ones, but in the mass of minor cases—he thought that the poor man suffered great hardship; and that in instances where he had to sue for a debt of ten pounds or so, he had no justice at all. He did not make these remarks by any means in the way of complaint against any individual, or against the magistrates, but only to bring before the Board what he thought the true state of things in this regard at present. It was a saying, that a much abused man has good points. If this be so, then Jamaica has good points, for she has been much abused on all sides. For his part, he did not think we deserved all that had been said of us. He believed that they have been rather hard upon us. His Excellency then referred to sixty years ago, when the movement was made to have the slave-trade abolished. Amongst other things, he said that we would find that it was a subject on which there was great complaint made and fault found on one side; and for two generations people of the nearest minds, generally on other subjects, took different views. And because one side complained of the matter, they were found fault with. But certainly the great complaint against us was that we were behind hand, while at home they had progressed. Indeed, we were a century behind hand. Even thirty years ago, what man could have gone to any statesman, of any side, and get him to talk about the principles of free-trade? If he understood it at all, he would at the end think him mad. And so it was with all things, in all times. But he would cease now to talk of our grandfathers and fathers, and come to ourselves. With regard to the judicial system, and especially the present system with regard to the suing for debts of the amount to which he had alluded, he would not retract one word. But, as he had before said, the blame was not to be laid on individuals. It was the same in England in his time, and not many years ago. But these things were remedied—here they have been allowed to go on without improvement. He would ask the gentlemen then to advance. It would not be right, perhaps, to follow every thing that was done in England. There might be things done there which would be unsuited to us. In that case we would stand by our own measures. But at home there were many things suited to the colonies. He would therefore ask them to put themselves abreast of those at home, and not be behind them. It was only thirty

years ago that in England it was found necessary to attend to the reform of legal administration, and therefore we need not be too much alarmed at our own deficiencies; while it was our duty to remedy existing defects. He hoped that too much was not expected of this house. We can only enact laws with a view to progress, and remove obstructions to progress; but it is the people themselves who must progress. His Excellency then mentioned that there were several laws which were prepared, and would be submitted to the Chamber, but he would only speak with regard to two; and those related to the police and the local Courts. With regard to the police, he thought all will allow that the force was in a deplorable state. Nothing surprised him more than to learn, that on the occasion of the late lamentable outbreak, only four miles from where the Courts were held, only four miles from one of the principal stations, there were preparations being made against law and order, without any one in authority knowing of it. If there were any thing like a police, any thing like such a police as he would now propose, such a thing never could have burst out without some opportunity being afforded for precautionary measures. He would mention a circumstance which occurred to himself. Some short time ago a little disturbance was apprehended some short distance from town, and he asked the inspector of police, who happened to be in front of his door, how many men he could take out with him in case of emergency. The inspector replied he had only twenty-two men, and of those he could only take out eight, because if he took more they would do more harm than good. What a state of deficiency such a force must be in, must be apparent. It was therefore contemplated, under the new law, to pay the men well, and make them do their work, and perform their duty well. With regard to the Petty Courts, the endeavour would be to assimilate them to the parochial Courts at home. As a matter of course, all these things cannot be done without money. Taxes must be raised; and, looking at the estimates, there were many deficiencies to be met. He did not like to refer to the past, but he must confess he did not see how the necessity arose for the expenditure which caused the deficiency. He made every allowance for the expenditure incurred in such things as the keeping of roads, &c.; but besides that, there was a large current deficit from year to year. He did not speak of last year, but the year before last there was 25,000*l.* of true deficit. Last year, as a matter of course, there was more expended than was calculated on, on account of certain deplorable circumstances, and he did not know yet what money was required for the deficit in 1865. But there was no doubt that recourse must be had to taxation. Certainly there would be something done by way of retrenchment, but he did not think that would be much; and, besides, the effect of retrenchment would not come on immediately. Taxation has never been thought a pleasant thing, and no doubt it will not be thought so now in this instance; but when the present state of the estimates were taken into consideration, recourse to taxation cannot be avoided. In like

manner, as taxation was unpleasant, so was also retrenchment unpleasant to those to be affected by it; but he trusted that the necessity would be seen for both. There was one measure to increase taxation, which would be introduced, to take effect immediately; and although the amount which may be raised by it will not be sufficient to cover all deficiencies, yet it will be the means, no doubt, of considerably increasing the present revenue. In this matter, and all others which may be submitted to the Board, he relied on them for their support.

JUSTICE KER ON MARTIAL LAW, *re* REGINA *v.* RAMSAY.

On the 18th Oct. ult., the Circuit Court of St. Thomas-in-the-East, Jamaica, commenced its sittings, under the presidency of the Honourable Justice Ker. As it was known that Provost-Marshal Ramsay would be indicted for murder, the proceedings excited more than usual interest, although few were probably in doubt as to their result.

The usual formalities having been gone through, the Clerk of the Peace proceeded to empanel a grand jury, when, after a good deal of difficulty in forming one, the following gentlemen were sworn:

Samuel Shortridge, Esq., Foreman; Francis Bowen, Plato Elphick, Alex. Francis, Henry Stewart, John Sinclair, Matthew Benjamin, Jas. Harrison, John E. Mowatt, Wm. C. Groves, George Earle, Robert H. Gray, James Cresser, John B. Brown, and Andrew Marks, Esqrs.

His Honour the presiding Judge then proceeded to deliver the following charge:

Gentlemen of the Grand Jury,

Among the cases about to be submitted to you is one of an altogether novel and extraordinary character. The case to which I allude is that of *Regina versus Gordon Dubery Ramsay*, in which the defendant is accused of the murder of a person named George Marshall, under the following circumstances: It is now matter of local, I may almost say general history, that on the 11th of October 1865, or little more than a year ago, a popular outbreak of a very formidable character occurred in this parish. On the 13th, under a statute which was passed in the year 1845, martial law was proclaimed, the effect of which was to place the entire disturbed district under the military power. How far this circumstance will affect, from a legal point of view, the complexion of the act presently to be mentioned, I will explain more fully before I conclude. To carry out this law, a distinguished officer of the Royal Army was selected, who, by an order dated shortly after the outbreak—at all events, previously to the occurrence which forms the subject of this indictment—appointed Mr. Ramsay, then filling the post of Inspector of Police for the precinct of St. Catherine, Provost-Marshal. It is material to observe, that Colonel Nelson, the officer referred to, had perfect

authority to make this appointment there can be little doubt. I may remark, in passing, that for the duty to which he was so nominated Mr. Ramsay's qualifications were of a rare, almost unique kind; but with that consideration we have nothing to do at present. But, acting in this capacity, on the 18th of October Mr. Ramsay conceived himself authorized to order Marshall to be flogged for some breach of military regulation, apparently for being abroad without a pass. Whether he was justified in this proceeding is irrelevant to the inquiry before us. For any bearing that it has upon this case, the deed may have been a necessary act, or a mere piece of lawless and wanton barbarity. What occurred, however, immediately afterwards, is of the utmost importance in connection with the investigation upon which you are about to enter. It is stated that after the flogging, or more correctly after the forty-seventh lash, fifty being the sentence, or order, Marshall, smarting from the pain, turned towards Ramsay, and ground his teeth. Ramsay, whether, as is urged in his defence, considering the conduct to savour of mutiny, and requiring therefore an exceptional display of vigour at his hands—the rather that the party of order was numerically weak, and that of disaffection, or suspected disaffection, numerically strong—or, as is suggested on the behalf of the Crown, vindictively, cruelly, and in the mere wantonness of power, thereupon did the act for which he is now sought to be made responsible. He ordered Marshall to be hanged, who was hanged accordingly. The regular course would have been to have submitted the case to the award of a court-martial. Ramsay, as Provost-Marshal, had no judicial, but only ministerial authority. But the charge is of so grave a nature, that it will be expedient to give the statements of the witnesses in their own words.

The witness James Becket says: "From the anguish of the flogging, Marshall said, 'O Lord!' Mr. Ramsay said, 'Sedition! Take him down and hang him.'" The deponent Augustus Lake states: "Marshall did not receive the whole of his sentence. At the receipt of the forty-seventh and forty-eighth lashes, for I counted them, I observed a large quantity of blood flowing from his back. He immediately turned round and ground his teeth. He said nothing, but groaned. I was standing within a yard or two of the swing, and I must have heard whatever was said by Marshall. The Provost-Marshal said, 'Take that man down and hang him.' This is the substance of the words, as near as I can remember." And, lastly, the deponent Gentle: "I saw Marshall get forty-seven lashes. At the forty-seventh Ramsay ordered him to be taken down. He said that Marshall ground his teeth. I did not see Marshall do any thing. Mr. Ramsay said, 'Take him and hang him.' I could hear every thing that he said." Such, gentlemen of the grand jury, are the statements of the witnesses. And the question therefore is, is this murder? I need scarcely observe to gentlemen serving in your present capacity, that the fact of the immediate actors in the homicide being other than Mr. Ramsay himself makes no difference in the case if he gave the fatal order.

Now, with reference to this, the material question in the case, I have to observe that all homicide is murder, unless there is some justification or excuse for it. The single inquiry, therefore, is, was there such in the present instance? That will depend upon circumstances which I now proceed to consider. No doubt whatever can exist that had the ordinary law of the land been supreme at the time of this melancholy, even if justifiable transaction, this would have been murder, and murder of the purest type. It would have been murder because Marshall had not been sentenced to die by the judgment of a competent tribunal. Does the prevalence of martial law then, of the temporary suspension and setting aside of the ordinary law, make any difference? Undoubtedly it does. The object of martial law being the suppression of insurrection and the restoration of law and order, whatever is necessary towards the attainment of that end is permitted, even to the destruction of human life. Martial law is the recurrence to physical force for the bringing about of results beyond the scope and capabilities of the ordinary law. The ordinary law requiring as one of its distinguishing peculiarities a certain amount of delay, and compliance with certain forms, unless these were for the time dispensed with, revolt would gain head, eventually perhaps triumph. It is requisite, therefore, that it should be temporarily suspended. Acts, accordingly, which in other circumstances would be unlawful, are now held justified by the special exigency of the case. Cases are judged rather by their own peculiar circumstances, than by reference to more than a few leading rules and principles. Nor will the law scrutinize too minutely particular acts, if only, without violating any of the above mentioned rules and principles, they forwarded, or tended to forward, the great end of martial law, the suppression of armed outbreak. This is not the place to discuss such a question, but it is manifest, in the interest of those under its care, that every government, whatever its form may be, must possess the power of resorting to force in the last extremity. The want of such a power would place the very existence of the state at the mercy of organized conspiracy. The public safety, therefore, which is the ultimate law, confides to the supreme authority in every country the power to declare it when the emergency has arisen. But martial law—and I desire to draw your particular attention to what I am going to observe—although, as I have stated, it dispenses with the forms and delays which appertain to the ordinary criminal jurisprudence, does not therefore authorize or sanction every deed assumed to be done in its name. It stops far short of that. For, if it did not, lawless men, under colour, and putting forward the pretence of authority, might commit acts abhorrent to every principle of humanity. They might gratify malice and revenge, hatred and ill-will, lust and rapacity. They might perpetrate deeds from which the sun would hide its face. No greater error exists than to suppose that the subjecting of a district to the military power authorizes excess on the part of those who administer that power. Deeply is it, therefore, in the interest of the pub-

lie welfare, and in the interest of humanity, that it should be clearly understood what martial law sanctions, and what it does not. It allows in one word, every thing that is necessary towards putting down actual resistance to lawful authority. But this is not the only restraint which it imposes upon those who have the carrying of it out. It further requires that the acts of its ministers should be honest and *bonâ fide*. They must be done in good faith, or they will be disavowed. And, as a still further requisition, it fastens as a condition upon its agents that their acts shall be adjudged to be necessary, in the judgment, not of a violent or excited, but of a moderate and reasonable man. Reason and common sense must approve the particular act. It is not sufficient that the party should unaffectedly believe such and such a line of conduct to be called for—the belief must be reasonably entertained, and such as a person of ordinary understanding would not repudiate. If these conditions are not fulfilled the act becomes simply unlawful, with all the consequences attaching to illegality. The moment that it ceases to be necessary for the suppression of armed revolt, that moment it loses its legal character. It then takes rank with those acts to which the privilege and protection of martial law are not extended. The vindictive passions are prohibited their exercise as absolutely and peremptorily during military rule as in the most orderly and tranquil condition of human affairs. Excess and wantonness, cruelty and unscrupulous contempt for human life, meet with no sanction from martial law, any more than from ordinary law. No amount of personal provocation will justify or excuse vindictive retaliation. Were it otherwise, an institution which, though stern, is yet beneficial, would degenerate into an instrument of mere private malice and revenge. Such, gentlemen of the grand jury, is the law applicable to the case which has furnished the subject matter of these observations. It is right, however, that I should allude to another matter.

"You are probably aware that after the suppression of the outbreak, upon the meeting of the Legislative Bodies in November, an Act was passed indemnifying all who were concerned in putting down the insurrection. By that Act, after reciting that military, naval, or civil authorities, necessarily engaged in the prompt suppression of the atrocities therein referred to might, according to the law of ordinary peace, be responsible in person or purse for acts done in good faith for the purpose of restoring public peace, and quelling the rebellion. And that it was expedient that all persons whosoever, who, in good faith and of loyal resolve, had acted for the crushing of this rebellious outbreak, should be indemnified and kept harmless for such their acts of loyalty. It is enacted by the first section:

"All personal actions and suits, indictments, informations, prosecutions, and proceedings, present or future, whatsoever, against such authorities or officers, civil, military, or naval, or other persons acting as last aforesaid, for or by reason of any matter or thing committed, ordered, directed or done since the promulgation and pub-

lication of the proclamation of martial law, that is to say, from the 13th of October, 1865, and during the continuance of such martial law, in order to suppress the insurrection and rebellion, and for the preservation of the public peace throughout the island, shall be discharged and made void. And every person by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purpose aforesaid, shall be freed, acquitted, discharged, and indemnified, as well against the Queen's Most Excellent Majesty as against all and every person and persons whomsoever."

And by the second:

"The Governor, Mr. Eyre, and all officers and other persons who have acted under his authority, or have acted *bonâ fide* for the purposes and during the time aforesaid, are hereby indemnified in respect of all acts, matters, and things done in order to put an end to the rebellion. And all such acts so done are hereby made and declared to be lawful, and confirmed."

But, upon these clauses, you will naturally desire to be informed how far they affect the exposition of the law with which I have just entertained you. I am called upon, therefore, to instruct you that they will not in any way interfere with that exposition. Indemnity Acts can only be pleaded in a court of justice by those who have fulfilled the conditions to which I made reference in an earlier part of this address.

The question, therefore, for your consideration, upon the whole matter, will be, has the Crown, upon the evidence which will be laid before you, established such a *prima facie* case against the defendant as to render it proper that this case should be remitted for the fuller inquiry which it necessarily receives at the hands of a petty jury? Upon this subject, I owe it to the administration of justice to remark that you ought not to have a doubt. If these witnesses speak the truth, they have told a tale which no system of criminal jurisprudence but is under a positive obligation to investigate. I need scarcely observe, that by finding a true bill, you do not pronounce the defendant guilty, but merely call upon him to say what he has to urge by way of defence or explanation.

With regard to the remaining cases, there are five aggravated assaults—*Regina v. Christopher Codrington*, *Regina v. James Codrington*, and *Regina v. John Woodrow*, in which the defendants are severally accused of excesses during martial law—of flogging, in fact, women without authority, for real or supposed delinquencies. I will not further allude to these cases than to observe, that, as in this case, you will probably see it your duty to return true bills.

About three-quarters of an hour after, the Clerk of the Court announced in the case *Regina vs. Ramsay*, "No bill."

His Honour the Judge inquired of Her Majesty's Attorney-General whether any other charge would be preferred against Mr. Ramsay, to which the Attorney-General replied that there would *not* be any.

His Honour, the Judge then said, "Discharge Mr. Ramsay."

THE FREEDMEN'S COLUMN.

THE American Freedmen's Union Commission have undertaken as a special work the "establishment throughout the Republic, upon permanent foundations, of common schools, for the education of all, without distinction of sect, caste, or colour." The education of the freedmen it considers a truly religious work, none the less so because it is undenominational. For this purpose they commission as teachers persons possessing the spirit of true religion, but "jealously maintain their unsectarian character, not allowing the peculiar tenets of any particular denomination to be taught in the schools."

The Commission recently held a meeting in Baltimore. The report of the General Secretary shewed that the Commission has sustained during the past year 760 teachers, maintained 301 schools, and distributed half a million dollars in supplies; and its organization extended into nearly every State, both north and south.

Secretary Seward recently sent a circular letter to the Governors of the Southern States, warning them of the existence of schemes to induce freedmen to emigrate to foreign countries, particularly to Peru, and suggesting that they should use all legal and moral measures at their command to prevent what was believed to be an attempt to impose upon the ignorant freedmen, under specious promises of advantage to them. He now announces that this circular was founded on a communication from a United-States Consul in Peru, stating that a person named Millan, a Chilian, but resident in Lima, had departed for the United States with the view of contracting for 2000 families of negroes for Peru; that it was intended to give the undertaking the appearance of free colonization, but that the negroes are to be sold, in the same manner as the Chinese coolies, for a term of eight years, for 375 dollars each, ostensibly as remuneration for passage and advance-money paid by the speculator, and are themselves to receive very scanty pay. There is reason to fear that the cruelty and suffering inflicted upon the coolies would also be the lot of those introduced under this contract, if permitted to be carried out.

General Sickles, commanding in the Department of the South, has issued an order for South Carolina, providing that all cases of which they have cognizance, be remitted to the United-States Courts; that as the State Courts are now open to all, with equal civil rights therein, without distinction of colour, all cases, civil and criminal, in which the parties are civilians, shall be turned over to the State tribunals; that military Provost Courts be discontinued,

except at Hilton Head and certain Sea Islands; that the jails be restored to the sheriffs; that the State laws against vagrancy may be enforced; and that corporal punishment is prohibited, except in the case of minors. No prosecution will be allowed against Federal officers or soldiers for acts heretofore done in a military capacity. District commanders must report any failure of the civil tribunals to give due protection to persons and property, and arrest criminals when the civil authorities fail to do so, and shall also give due facilities and protection to agents of the Freedmen's Bureau. He recommends to the people of South Carolina patient consideration and faithful execution of the laws towards the class recently clothed with civil rights, that no occasion may arise for the exercise of military authority in matters concerning the freedmen.

The manner in which justice is administered by the civil authorities in some parts of the South is illustrated by certain proceedings before Judge Cooley, of the District Court of Louisiana, a session of which was recently held in Rapides parish. Nineteen cases of charges of the murder of freedmen and Union men were on the docket, all of them, it is asserted, clear cases of deliberate murder. In the first six cases, the jury, in every instance, without leaving their seats, returned a verdict of not guilty. The judge then broke up the court and left the parish, convinced that punishment would not be meted out to rebels for crimes against Union men and negroes.

Official advices from Arkansas state that twenty-nine murders of freedmen, during August and September last, are on record; and that many more have probably occurred which are never heard of on account of the sparseness of the population. Not a single case of an arrest by the civil authorities for these crimes is reported.

MR. ROUNDELL ON THE JAMAICA MASSACRE.

MR. ROUNDELL, the Secretary to the Royal Jamaica Commission, read a paper upon the recent events in Jamaica before a section of the Social Science Congress, on the 5th October, of which the following summary appeared in the *Daily News*. It is impossible to condemn in stronger language the course pursued by Governor Eyre and the authorities.*

* We believe it is Mr. Roundell's intention to publish his admirable address in tract form.—(Ed. A. S. R.)

Mr. ROUNDELL read an able paper. The portion of it directed to the condemnation of recent events in Jamaica called forth applause; and his inquiry into the question how far the negro is capable of civilization was listened to with much interest. He said, I propose to touch upon a point deeply affecting the general relations between this country and all inferior races over whom she exercises control, and notably brought into prominence by recent events in Jamaica. Much as has been written and said on that deplorable subject, I question whether the public attention has sufficiently riveted itself on that which I take to be at the bottom of all we deplore, the military spirit, the "heritage of triumphant wrong," which descended to our young officers from the Indian mutiny, and the first fruits of which we have lately witnessed in the red anarchy of Jamaican martial law. The spirit of which I speak—rooted in an utter absence of reverence for inferiors—is not, however, peculiar to members of the military profession; it exists, in even a more intense form, in the dominant class of a colonial community in which there are sharply-defined contrasts of race. It will suffice to allude to two well-known letters, produced before the Commissioners in Jamaica; the one containing a now famous "Picture of martial law," the other holding forth a significant precedent of "Hanging like fun, by court-martial." Those letters, I believe, embody a sentiment by no means limited to the respective writers. I am well aware that certain allowances must be made, and, in particular, for absence from home, and the consequent relaxation of the restraints which English society and the influence of English opinion imposes. The position, too, of an officer or colonist, placed among a subject race, is not favourable to the development of the finer or kindlier feelings of our nature. Yet, after all allowances, the broad fact remains, that (with the exception of the higher officials) English society in India, and in the colonies in which a native race exists, is, to a great extent, animated with a spirit of contemptuous and almost brutal disregard for the feelings (may I not almost add the lives?) of the inferior race. The existence of such a spirit is so disgraceful to our humanity that it deserves a moment's consideration. Its origin must, I think, be sought for in two kindred motives—pride of race, and pride of birth. The former regards the native as an inferior creature: the latter breeds insolence. The two together induce a caste-like spirit, manifesting itself (the military element being predominant in India and the colonies) in the habits of everyday life. It even frames for itself a conventional phraseology, which, at length, becomes a second nature, and builds up a hard, impassable barrier against the better and more generous feelings of human nature. To such an extent does this second nature warp the judgment and harden the heart, that in times of action the conventional becomes the actual guiding standard of conduct. Hence, in emergencies, such as the Indian mutiny, or the late disturbances in Jamaica, (where the insurrection of the negro was resented as a kind of personal insult,) the feeling which, in ordinary times, is fatal to all kindly intercourse, amounts to a negation of the com-

monest instincts of the commonest humanity. The remedy for such a national scandal can only be found in a changed habit of mind, and this can only be brought about by an improvement in the general tone of society. Perhaps, if theologians could consent for a time to substitute for barren controversy the guidance of the nation in the weightier matters of this law, public morality might not suffer. The problem presented by the negro in the British West Indies is altogether peculiar. Our West-India Islands are neither colonies nor dependencies. The creole negro of Jamaica or Barbadoes raises no questions of political supremacy. We have not to deal with Maori king movements or Kaffir irruptions. Our rule extends over a docile race, speaking the same language as ourselves, leavened to a great extent by European intercourse, alien to the West-Indian soil, regarding England as its adopted "home," and venerating the Queen with an almost more than English reverence. The problem before us is, moreover, one of the vastest with which a great civilized nation can engage. It is no other than that which is occupying also the anxious attention of the governments of Russia and the United States, namely, the re-organization of society, after a system of serfdom or slavery, upon the basis of free labour. The problem, as it regards ourselves, involves the consideration of some general questions: Has emancipation failed? Has it failed, at least, in Jamaica, the noblest and most favoured of our West-Indian possessions? Or, can we perceive the regular operation of cause and effect, and trace, in the disregard of ordinary politico-economical laws, the grounds of failure in the past, and therefore of hope for the future? I will briefly touch upon a question which lies at the threshold of this inquiry—the capacity of the negro for civilization. The answer to this question must needs affect at every step the solution of the general problem. The case against the negro, put in its extreme form, is embodied in the dictum that "any attempt to improve his condition is warring against an immutable law of nature." There are, again, authorities, such as Mr. Matthew Foster, who has stated that, after a long life of hope for the amelioration of the negro, he had given it up in despair; or distinguished travellers, such as Captain Burton and Sir Samuel Baker, the latter of whom has recently asserted that the negro "has little in common with the white man beyond the simple instincts of human nature." On the other hand, however, there are authorities equally weighty. Dr. Livingstone, (who, by the way, speaks to the superiority of the negro in the interior of Africa over the inhabitants of the West Coast—a superiority which he unhesitatingly ascribes to the immunity from the curse of slavery,) on being asked, by a late Committee of the House of Commons, whether he shared in the opinion recently expressed with regard to the impossibility of elevating the African, answers, "Not in the smallest degree: they are in a state of degradation, and some time will be necessary for their elevation, but with regard to their capabilities I have no doubt whatever." Again, Sir Benjamin Pine, who has held official positions in various parts of Africa for nearly a quarter of a century,

was interrogated by the same Committee as to his impression of the capability of the negro for managing his own affairs. He answers, "Certainly. Perhaps the great mass of them at present may not be capable of managing their own affairs; but they may be as the nation becomes educated. I do not see why they have not the same natural capabilities that we have." He is then asked as to the degree of civilization to which negro settlements may attain; whether they will become as civilized as an European settlement. He answers: "Not as civilized as an European settlement; but I think they will be sufficiently civilized to conduct a decent government." In answer to the question whether he considers the pure negro, without admixture of any other blood, capable of arriving at a high degree of civilization, he replies: "I see no reason to doubt it." Q. "Have we any example of a pure negro kingdom arriving at a high degree of civilization?" A. "They have never been in circumstances to do it." Enough has been said upon this point. Where eminent authorities thus differ it may perhaps be permitted, in the absence of ethnological or physiological conclusions to the contrary, to hold by that more hopeful view, which science does not contradict, which the charities of history favour, and which is in harmony with the known antecedents of our human nature. Assuming, then, that the problem of our relations with and duty towards our negroes in the West Indies is not embarrassed by despair of the future elevation of the race, we must inquire into the causes of the failure, in great part, of our work of emancipation. Taking Jamaica as a crucial instance, to what are we to attribute its present conspicuous state of decay? Is it the result of emancipation, of the abolition of the system of forced labour? Or is it the result of recent legislation as regards the great staple, of the abolition of the protective duties on sugar? Or shall we, on the other hand, traverse the planters' pleas, and affirm that the measures for securing personal freedom and freedom of trade have had nothing to do with the vital conditions of the problem? Shall we maintain that it is not a question of race, nor of slavery, nor yet of free-trade, but that in all its essential features, it is the same problem which presents itself in all sparsely-populated new countries—an economical question of capital and labour, supply and demand, which, like all economical questions, is capable of being grappled with, of being understood, and of being successfully surmounted? I think that the best authorities are unanimous in this latter view. It can be shewn, historically and statistically, that the decay of Jamaica had set in long before the abolition of Slavery; that under emancipation our other colonies have, by a wise adaptation of themselves to their altered circumstances, not only surmounted the difficulties incident to so great a change, but have (in several instances at least, such as Trinidad, British Guiana, and the Mauritius,) actually attained to a higher, and still advancing, state of prosperity; while statesmen, like Lord Grey, attribute the exceptional state of Jamaica to the exceptional infatuation with which her planters, as a body, have persistently ignored the logic of facts, and con-

tinued to hanker after a pestilent and irrecoverable monopoly. The nature of the problem is well stated by one of our most successful West-Indian governors. Lord Harris says that "one of the many errors which have been committed since the granting of emancipation is the little attention paid to any legislation having for its end the formation of a society on true, sound, and lasting principles. That such an object could be attained at once, was and is not to be expected; but undoubtedly, had proper measures been adopted, much greater progress might have been made. As the question at present stands, a race has been freed, but a society has not been formed. Liberty has been given to a heterogeneous mass of individuals, who can only comprehend license. A participation in the rights and privileges and duties of civilized society has been granted to them; they are only capable of enjoying its vices. To alter such a state of things vigorous and prompt measures are required, in order that the authority of the law should be felt; greater weight must be given to the executive; to humanize the people, a general and extensive system of education must be adopted; to assist in civilization, every encouragement should be given to the establishment and to the easy circumstances of a superior class, especially of Europeans, amongst the population." It must be confessed that emancipation, in all but its object, was a sorry piece of legislation. It was possible, indeed, by Act of Parliament, to confer freedom upon 800,000 slaves, but it was not possible, even by Act of Parliament, summarily to remove the inveterate curse which Slavery had engendered. There is that in the infamous and accursed system of Slavery which even the sovereign power of freedom can only gradually, slowly, and painfully extirpate. The problem of emancipation may be briefly stated thus: How, in a tropical country, where the means of subsistence are easy, where wants are few, and nature is lavish in her gifts, with a population sparse in proportion to the extent of rich territory;—how, in such circumstances, the transition may be made from a system of forced to free labour, and natural incentives to industrious exertion be substituted for the whip. It is worthy of observation that the government of 1833 had proposed a plan to satisfy the conditions of the problem, which was, however, subsequently dropped. The characteristic of the rejected plan was "to stimulate the negroes to industry by the imposition of a tax on their provision-grounds, while very stringent regulations for enforcing the payment of the tax, and for the prevention of vagrancy, were to have been established. The design of these proposals was to substitute, for the direct coercion of the whip, the indirect constraint by which the working classes in other countries are driven to exertion—namely, the impossibility of otherwise obtaining such a maintenance as their habits render necessary to them." It should also be remembered that other nations have profited by our mistakes, and that in the Dutch, Danish, and French sugar colonies emancipation has been regarded as a gradual process. The future of our West-Indian colonies must depend largely upon their government. The experience of

Jamaica has shewn the unsuitableness in such a community of representative institutions. An elective representative assembly is, in fact, in the conflict of the white and coloured races, an oligarchic tyranny veiled in a popular dress. What is wanted is a government which shall devote itself impartially to the interests of both races, and which, in the interest of the negro, shall charge itself with the functions of protection, guidance, and control. Such a government is to be sought, for a time at least, in a paternal despotism. The first step towards reclaiming the negro to habits of order and settled industry must be an impartial and trusted administration of justice. If any defect was conclusively established by the late inquiry in Jamaica, it was the need of a stipendiary magistracy. There is an elaborate return appended to the report of the Commissioners, bearing upon the administration of justice in the parish of St. Thomas-in-the-East, which is worthy of attentive study. Again, the state, not only of Jamaica, but of the other West-India Islands, points to the necessity of measures for preventing vagrancy, for regulating native settlements, for encouraging settled industry, and for enforcing the observance of the elementary conditions of morality and health. The principal agents for effecting these primary requirements will be an efficient police, the establishment of hospitals, and a well-organized system of medical supervision; the construction of roads, the instruction of the people in improved methods of agriculture, and, above all, a system of compulsory industrial education. For these purposes the government must be furnished with means; and, next to a sound administration of justice, a wisely-adjusted system of fiscal economy will be found a potent agent of governmental civilizing influence. In nothing so much as in the principles of taxation is the difference between civilized and uncivilized communities made manifest. In Jamaica, as in the other islands, that the negro, like the Irishman, has an instinctive hankering after the ownership of land. Hence the propensity, since emancipation, to abandon the estates for small holdings of their own, either in the mountains, or on the unoccupied wastes which abound in all the islands except Barbadoes. These plots of land (which are cultivated as provision grounds, or for the production of sugar and coffee, or arrowroot, ginger, and spices) are either purchased as freeholds, or irregularly squatted upon. The bearing upon the labour question of this propensity for the acquisition of land is obvious. In Jamaica alone it has been calculated, that out of a population of 350,000 blacks, some 60,000 are freeholders, while only 30,000 are employed as labourers upon the sugar estates. The bearing, also, of this land question upon the late disturbances in that island will not be forgotten. It is, in my opinion, upon a right solution of the many important questions which turn upon the tenure of land that the future prosperity of Jamaica will largely depend. For instance, accepting facts, cannot this negro propensity for land be turned to account? Is there any necessary conflict of interest between the large proprietors and the small freeholders? Are we compelled to believe that, along with Slavery, the day of large

estates is bygone, and that freedom can best be worked out by a population of peasant proprietors? If I may refer to the result of inquiries which I myself made whilst in Jamaica, I may state it as the almost unanimous opinion of those with whom I conversed, that there is no ground for anticipating the gradual abandonment of the large estates for a system of *petite culture*. And, indeed, such a revolution is to be deprecated in the interest of the negroes themselves, inasmuch as the cultivation of sugar, which requires capital, constitutes the chief source of wealth; and still more, because, with the withdrawal of the staple cultivation, the Europeans would also withdraw, and thus a fatal check would be given to the civilization of the negroes. There is, moreover, reason to believe that it is not so much a dearth of labour as a dearth of capital under which Jamaica suffers, and that, where capital is at hand and wages are regularly paid, a fair supply of continuous labour may be reckoned upon. Trinidad is a capital instance of the benefits to be derived from a well-organized system of immigration. There is no conflict of interest between coolies and creoles. Beyond this, the planters, heartily accepting emancipation and free trade, must look to improved methods of cultivation and manufacture, and, above all, to the inspiring new relations of confidence and goodwill between themselves and the freed peasantry. A chief step in this direction will be a fair adjustment, by law, of the relations between employer and employed, such as is embodied in the Master and Servants' Act of Barbadoes. It is also a serious question whether the Government ought not to enforce strictly, with peremptory provisions for forfeiture and resumption, the laws imposing quit-rents, or land tax, upon ruinate or abandoned estates. The Crown might, in such cases, lay out village settlements, and allot lands to negro cultivators, at a fixed rent, and on a certain tenure, with provisions for the ultimate vesting in the tenant of the ownership in fee simple. I cannot close this paper without referring to the verdict of public opinion upon recent events in Jamaica. In what I have written I have advocated the supreme exercise, at all times, and towards all—even the most lowly—races subject to our dominion, of a moral and humane national influence. But if indeed, as is alleged, there is one law for the European and another for the African—if, indeed, public opinion reverses the rule of Christian morality, and acts towards the humble negro, not as it would act, or be acted towards, in the case of a civilized nation—then all that I have written has been written in vain. The capital question, then, before us at the present time is this—"Is the heart of the nation right in this Jamaica matter, or is it not?" Notwithstanding appearances to the contrary, I venture to think that it is right and sound to the core. I will go further, and even assume that those who err, err not so much from degeneracy from the old English spirit, as from ignorance of facts; culpable ignorance it may be, but still ignorance of the common facts which a royal commission has authoritatively established. Those facts are before the nation; and the ultimate appeal in this great national inquest lies, not to a few

literary cynics, but to the warm heart, and rough but true instincts of the mass of the people. If I do not read the national verdict amiss, I read it in a record of burning indigna-

tion and shame unutterable at the deeds of blood which, most unnecessarily, were perpetrated against an inferior race during the hell-like saturnalia of martial law.



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